

Emergency Regulation 11/4/04

**Amend 310 CMR 7.28(6)(b)4. to add:
(Make existing language (6)(b)4.a.)**

4. Limited Allocation from Public Benefit Set-Aside to Existing Budget Units.

- a. For each of the three control periods of 2003 through 2005 only, the budget units in Table A will receive the allocations listed in the table from the public benefit set-aside.

310 CMR 7.28(6)(b)4.a. <i>TABLE A</i> Partial NO _x Allowance Allocation from the Public Benefit Set-Aside for 2003 - 2005		
NAME	ORIS Code	Allowance Allocation
Braintree	01660	3
Peabody	01658	1
Taunton	01682	3

(Add new language as (6)(b)4.b.)

- b. On [the effective date of the regulation] the facilities in Table B will receive the allocation listed in the table from the public benefit set-aside account.

310 CMR 7.28(6)(b)4.b. <i>TABLE B</i> NO _x Allowance Allocation from the Public Benefit Set-Aside for 2003 – 2005				
NAME	ORIS Code	2003 Allowance Allocation	2004 Allowance Allocation	2005 Allowance Allocation
ANP Blackstone	55212	181	222	93
Brayton Point	1619	75	91	38
New Boston	1589	42	51	21
Mystic	1588	14	16	7
Bellingham Cogen	10307	12	15	6
Stony Brook	6081	7	8	4
Salem Harbor	1626	7	8	3
Waters River	1678	2	3	1
Masspower	10726	2	2	1
Kneeland	880023	1	2	1
Pittsfield	50002	1	2	1
Lowell Power	54586	1	1	1
Mount Tom	1606	1	1	1
Somerset	1613	1	1	1

Dartmouth	52026	1	1	0
Fore River	55317	1	1	0
Blackstone Street	1594	0	1	0
Dighton	55026	0	1	0

There will be no further changes to the existing budget units' NOx allowance allocations for the 2004-2007 control periods.

Amend 310 CMR 7.28(6)(d) to add 4.:

4. Beginning with the allocation for the 2008 control period, which occurs in the Spring of 2005, and for each control period thereafter, the Department will forward a template to be used by the budget units for submitting control period output data. After receiving output data from the budget units, the Department will calculate the allocation for the particular control period and forward a draft spreadsheet containing all of the budget units' allocations, including output data and calculations, to the budget units. There will be a 30-day comment period during which budget units may notify the Department of any errors in the output data and the calculation of the allocations contained in the spreadsheet. If the Department receives any comments and makes revisions to the spreadsheet, then it will provide a 10-day comment period on the revised spreadsheet. The Department will post the final allocation on the Department website and send it to EPA and budget units by April 1 of each year, three years before the control period for which the allowances are first useable.

Amend 310 CMR 7.28(6)(d)2.a. to add new language after existing language:

[Existing formulae in regulation

a. For budget units with less than one full control period of operation:

*AEO(y) = (greater of actual capacity utilization in percent or 0.9) * 3672 h * (nameplate capacity of the budget unit in MWh)*

*ASO(y) = (greater of actual capacity utilization in percent or 0.9) * 3672 h * (nameplate capacity of the budget unit in MMBtu/h)]*

New language to be added after existing formulae:

For purposes of this section, the nameplate capacity to be used in the calculation of AEO or ASO shall represent the portion of the budget unit configuration contributing to generation of electrical output or useful steam output by the end of the control period. Such nameplate capacity shall have been established in a 310 CMR 7.02 plan approval or otherwise determined by the Department. A budget unit or portion thereof that does not generate electricity or useful steam output by the end of the control period shall not be included in the calculation of AEO or ASO.